

PROCEEDINGS AGAINST RUSSELL TRILCK FOR CONTEMPT OF THE SENATE

FEBRUARY 21 (legislative day, JANUARY 29), 1951.—Ordered to be printed

Mr. KEFAUVER, from the Special Committee To Investigate Organized Crime in Interstate Commerce, submitted the following

R E P O R T

[To accompany S. Res. 80]

The Special Committee To Investigate Organized Crime in Interstate Commerce as created and authorized by the United States Senate by Senate Resolution 202, Eighty-first Congress, second session, caused to be issued a subpoena to Russell Trilck of Lincoln Park, Mich. The said subpoena directed Russell Trilck to be and appear before the said committee forthwith, at room 900, Federal Home Loan Bank Building, 101 Indiana Avenue NW., Washington, D. C., then and there to testify touching matters of inquiry committed to said committee and not to depart without leave of said committee. The date of issuance of the subpoena was the 18th day of January 1951. The subpoena was served by Sgt. Eugene R. Geibig, Detroit Police Department, as set forth below, on January 23, 1951, at which time Russell Trilck was told by Sergeant Geibig that the subpoena was adjourned and that he was to communicate forthwith with William D. Amis, an investigator for the committee, at room 918, Federal Building, Detroit, Mich., for the purpose of ascertaining the time and date for his appearance pursuant to said subpoena. On or about January 30, 1951, the said William D. Amis communicated with Glenn C. Hague, attorney at law, Penobscot Building, Detroit, Mich., who stated that he was the attorney for Russell Trilck. Mr. Amis requested that Mr. Trilck come to the committee's office at room 918, Federal Building, and confer with him. Mr. Hague said that his client would not do this. Mr. Amis then advised the said Trilck by informing his attorney, the said Glenn C. Hague, that the subpoena was adjourned to 9:30 a. m., February 8, 1951, at room 734, Federal Building, Detroit, Mich., and further advised the said Trilck, through his said attorney, Glenn C. Hague, that the said Trilck's presence at the said time and place was required under the said subpoena. The subpoena served upon said Russell Trilck is set forth as follows:

UNITED STATES OF AMERICA

CONGRESS OF THE UNITED STATES

To RUSSELL TRILCK, *Lincoln Park, Mich., Greeting:*

Pursuant to lawful authority, you are hereby commanded to appear before the Special Committee To Investigate Organized Crime in Interstate Commerce of the Senate of the United States, on forthwith, 1951, at their committee room, 900 Federal Home Loan Bank Building, 101 Indiana Avenue NW., Washington, D. C., then and there to testify what you may know relative to the subject matters under consideration by said committee, and bring with you:

1. All ledgers, vouchers, canceled checks, check stubs, bank deposit slips, bank statements, financial statements, notes, copies of tax returns, records of accounts receivable and payable, and records of cash receipts and disbursements, for the period from January 1, 1940, to date;

2. All books, records or other documents showing ownership or other holding or interests in any business company or enterprise, or in any property, real, personal, or intangible, for the period January 1, 1940, to date;

3. All correspondence relating to the subject matter referred to in paragraph 2 hereof, for the period from January 1, 1940, to date.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To ----- to serve and return.

Given under my hand, by order of the committee, this 18th day of January, in the year of our Lord 1951.

ESTES KEFAUVER,

*Chairman, Committee on Senate Committee To
Investigate Organized Crime in Interstate Commerce.*

The said subpoena was duly served as appears by the return made thereon by Eugene R. Geibig, sergeant, Detroit Police Department, who was duly authorized to serve the said subpoena. The return of the service by the said Eugene R. Geibig, being endorsed thereon, is set forth as follows:

JANUARY 23, 1951.

I made service of the within subpoena by showing the original and presenting a copy to the within-named Russell Trilck, at 712 Buckingham, Lincoln Park, Mich., at 11:15 o'clock a. m., on the 23d day of January 1951.

EUGENE R. GEIBIG,

Sergeant, Detroit Police Department.

The said Russell Trilck did not appear before the said committee and did not give testimony as required by virtue of Senate Resolution 202, Eighty-first Congress, second session. The failure of Russell Trilck to appear as a witness appears in the records of the hearings of February 8 and 9, 1951, at room 734, Federal Building, Detroit, Mich., which record is annexed hereto and made a part hereof and designated "Annex I."

As a result of said Russell Trilck's refusal to appear pursuant to the said subpoena, as appears from the record annexed, the committee was prevented from receiving testimony and evidence concerning the matter committed to said committee in accordance with the terms of said subpoena served upon this witness.

The committee was therefore deprived of testimony which would have been given by Russell Trilck pursuant to the committee's inquiry and pertinent to the subject matter which under Senate Resolution 202, Eighty-first Congress, second session, the said committee was instructed to investigate, and the refusal of the witness to appear as set forth in annex I is a violation of the subpoena under which the witness was directed to appear and his persistent and illegal refusal

to appear deprived the committee of necessary and pertinent testimony and places this witness in contempt of the United States Senate.

The subcommittee hearing at which said witness refused to appear was duly authorized by a resolution of the said committee, as set forth below:

SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE
COMMERCE

MINUTES OF A COMMITTEE MEETING, JANUARY 3, 1951

The committee held an executive session. There were present Senators Kefauver, Wiley, and Hunt.

It was duly resolved on motion made by Senator Hunt and seconded by Senator Wiley that the chairman be and hereby is authorized at his discretion to appoint one or more subcommittees of one or more Senators, of whom one member shall be a quorum for the purpose of taking testimony and all other committee acts, to hold hearings at such time and places as the chairman might designate in furtherance of the committee's investigations of organized crime in the vicinities of the cities of Cleveland, Ohio, and Detroit, Mich.

ESTES KEFAUVER, *Chairman*.
ALEXANDER WILEY.
LESTER C. HUNT.

In accordance with the resolution of January 3, 1951, the chairman in a letter of February 3, 1951, as set forth below, designated Senator Herbert R. O'Connor as a subcommittee of one to swear witnesses and to hear testimony at Detroit, Mich., beginning February 8, 1951:

FEBRUARY 3, 1951.

HON. HERBERT R. O'CONOR,
Senate Office Building, Washington, D. C.

DEAR SENATOR O'CONOR: In accordance with the authority granted me by the committee under the resolution attached, I hereby name you as chairman of the subcommittee of the Special Committee To Investigate Organized Crime in Interstate Commerce to conduct hearings in Detroit, Mich., beginning February 8, 1951.

Sincerely,

ESTES KEFAUVER, *Chairman*.

After reviewing the record and other facts as set forth herein, the committee adopted a resolution, as set forth below:

SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED CRIME IN INTERSTATE
COMMERCE

MINUTES OF A COMMITTEE MEETING, FEBRUARY 17, 1951

The committee met at 10:30 a. m., in room 457, Senate Office Building. There were present the chairman and Senators Tobey, Hunt, and O'Connor. Senator O'Connor presented to the committee the minutes of the subcommittee meeting of February 8 and 9, 1951, together with a resolution made on January 3, 1951. The chairman stated to the committee that the chairman had designated a subcommittee to hear continued testimony in connection with organized crime in the city of Detroit, Mich., pursuant to the resolution of January 3, 1951, the subcommittee consisting of Senator O'Connor.

The chairman of the subcommittee then presented to the committee the minutes of said subcommittee meeting of February 8 and 9, 1951, held in room 734, Federal Building, Detroit, Mich.

The chairman of the subcommittee stated to the committee that Russell Trilck had refused to appear pursuant to a subpoena duly served upon him and that his refusal therefore was improper and contemptuous.

The chairman of the subcommittee presented to the committee a draft report of the entire matter for the committee's consideration and the committee duly adopted the said report and instructed the chairman to present said report to the United States Senate.

Therefore, upon motion of Senator Hunt, duly seconded by Senator Tobey, it was duly resolved that the committee present to the United States Senate, for its immediate action, a resolution requiring the United States attorney for the eastern district of Michigan to proceed against the said Russell Trilck in the manner and form provided by law.

ANNEX I

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE
COMMERCE

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED
CRIME IN INTERSTATE COMMERCE,
Detroit, Mich., Thursday, February 8, 1951.

The committee met, pursuant to adjournment, at 10 a. m., in room 734, Federal Building, Senator O'Connor (chairman) presiding.

Present: Senator Herbert R. O'Connor (chairman).

Also present: Rudolph Halley, chief counsel, John L. Burling, associate counsel, Alfred M. Klein, associate counsel.

The CHAIRMAN. I would like to call for the appearance of Russell Trilck.

Mr. BURLING. I might say for the record, Mr. Chairman, he was duly served a subpoena.

The CHAIRMAN. Russell Trilck.

Mr. BURLING. Mr. Chairman, we have received information that Mr. Trilck seems to have disappeared, notwithstanding the fact he was served with a subpoena. I suggest that we put him on the calendar for the first witness tomorrow, and that we say, or rather that you state in public that if he is not here in response to the subpoena tomorrow, you will recommend to the full committee that he be cited for contempt of the Senate.

The CHAIRMAN. That will be so ordered. This witness or any witness who is summoned to appear and who fails in attendance, the subcommittee must consider it the necessity of a citation. Therefore, the order will be that the name of this witness will be called promptly in the morning and unless he responds, consideration will be given at once to recommend a citation for contempt.

The next witness.

INVESTIGATION OF ORGANIZED CRIME IN INTERSTATE
COMMERCE

UNITED STATES SENATE,
SPECIAL COMMITTEE TO INVESTIGATE ORGANIZED,
CRIME IN INTERSTATE COMMERCE,
Detroit, Mich., Friday, February 9, 1951.

The committee met, pursuant to adjournment, at 9:45 a. m., in room 734, Federal Building, Senator O'Connor (chairman) presiding.

Present: Senator Herbert R. O'Connor (chairman).

Also present: John L. Burling, associate counsel, and John McCormick, staff member.

The CHAIRMAN. Russell Trilck.

Mr. GLAZER. May I say something, sir? I think it has a great bearing on the occasion.

The CHAIRMAN. Has it to do with Russell Trilck?

Mr. GLAZER. No.

The CHAIRMAN. Will you just stay there for a second, please. Yesterday, this witness who had been summoned was called by name and failed to respond. It was then said that his name would be called again today, and that in the event that he failed to put in an appearance, appropriate action would be taken. His name has been called. He fails to answer. The committee feels it incumbent upon it to report to the full committee this fact so that contempt proceedings would be considered.

Mr. BURLING. Mr. Chairman, so that the record may properly reflect the pertinency of the testimony of Mr. Trilck so as to establish the propriety of the service of his subpoena upon him, and we have the subpoena with the proper service in our file, I should like to read into the record my brief on Mr. Trilck so that the committee may know and the record show what we had expected to prove through Mr. Trilck.

Russell Trilck is an old-time numbers operator. He also operated the Club Top Hat at 11287 East Jefferson, River Rouge.

From information received, it will be noted that he has or had, I should say, a gross income in 1947 of \$612,000. His income was reported from the National Daily Bankers, which is the name of his numbers operation.

He has a criminal record and paid a fine of a thousand dollars September 1945. He is reputed to have built a home at 712 Buckingham in Lincoln Park, which is estimated to have cost \$100,000.

His partner in business is one Walter Halliberta for whom a subpoena was issued, but was not served. It is reported that Mr. Halliberta left for Florida, driving a 1950 Cadillac, license number EL5476 the day before an attempt was made to serve him with a subpoena.

ANNEX II

The committee has received the following memorandum from its associate counsel, which sets forth the legal opinion of its staff with reference to the contempt committed by Russell Trilck.

FEBRUARY 16, 1951.

Memorandum to Senator Estes Kefauver, chairman, re contempt of Russell Trilck (S. Res. 80);

I have examined the files of the committee and the record of the hearings at Detroit on February 8 and 9, 1951, in addition to being present at such hearings and it is my opinion, which has previously been conveyed to the committee, that the refusal of Russell Trilck to appear pursuant to subpoena was contemptuous of the United States Senate and its Special Committee To Investigate Organized Crime in Interstate Commerce.

As associate counsel of the committee, with the advice and concurrence of the committee's legal staff, I have advised the committee and now certify that the contempt complained of is, in my opinion, punishable as a matter of law. There is no justification shown for the failure of the witness to appear before the committee.

JOHN L. BURLING, *Associate Counsel.*

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